∃ every place where says "request copy of EMS", should say "request appropriate documentation" for EMS
∃   some EMSs may be too large
∃   some companies may not want to share whole document (confidential business information)
Group: OK

∃ eligibility criteria are not equal to EPA's
∃   A - EPA requires no more than 3 civil violations in 3 years
∃   only violations of environmental requirements (implied)
∃   EPA is violations of local, state and federal
Group: make eligibility be 3 civil violations in 3 years (new) *or* 1 violation in 1 year (as is now)

∃ eligibility B - take it out
∃   innocent until proven guilty
∃   prefer indictment, over investigation
∃   clarify that investigation is for environmental requirements (implied)
Group: leave as is

∃ eligibility - new facilities may not have a compliance history, *or* existing facilities may never have been inspected
∃   how to determine whether they meet compliance history standards?
Group: do nothing different

∃ eligibility A - "or equivalent violation" – what is meaning?
Group: leave as is

∃ eligibility A - does frequency of inspection prevent compliance?
∃   are levels of violation of similar severity (significant noncompliance, high priority violation, severity level I, II or III)?
Group: DEQ will confirm that they are

∃ introductory language to eligibility section - why do potential PT participants have to be regulated?
∃   potentially excludes civic groups and other non-regulated entities who want to improve environment
∃   suggestion that policy apply to "any entity with an environmental impact"
Group: leave as is

- single facility v. corporate application - example of potential problem
    - Johnson & Johnson made corporate-wide project commitments, not facility-specific
    - individual facilities could not demonstrate implementation

Group: address this in application and in part of rule describing projects
    - EMS needed for each component of company and must be physically located at each facility
    - effectiveness of projects must be demonstrated at facility level

- eligibility criteria - pattern of non-compliance has been removed; should be put back in

Group: Renette will distribute draft language taken from DEQ penalty policy.
    - group will consider whether there are any factual scenarios covered by "pattern of non-compliance" language, that are not covered by A, B and C.

- violations revealed through self-audit: preclude inclusion in PT as bad compliance history?

Group: do nothing different

- patterns of litigation against citizen critics (SLAPP suits) should preclude inclusion
    - may not be something we want to consider; may not be an objective way to evaluate
    - could possibly be addressed through public participation requirements in Tiers 2 and 3.

Group: No direction at this point

- eligibility, 3rd paragraph – compliance status will be determined in consultation with EPA and local health departments – delete "as appropriate"

Group: delete "as appropriate"

- application process section, first section – applications will be "taken" on a semi-annual basis
    - applications will be "taken" anytime, but will only be "reviewed" semi-annually

Group: change "taken" to "reviewed"

- application to Tier 2 - EMS to be implemented for "full business cycle"
    - should be "full EMS cycle" or "full cycle" and define what that means

Group: change "full business cycle" to "full cycle", wherever this terminology appears in policy

- multi-interest review panel – discussion; no group decisions yet
    - interests to be added
        - EPA

∃   members of boards (or find other way of keeping boards informed)
∃   all three trade associations (mining, manufacturing, refining)
∃   transportation
∃   military
∃ have "at least one" representative from each interest ?
∃ large group v. smaller group – which is more effective ?
∃ how are review panel members identified, selected and appointed ?
∃ which decision-making model will panel use? Consensus? Voting?